

1 UNITED STATES DISTRICT COURT
2 WESTERN DISTRICT OF NEW YORK

3
4 KRUMMHOLZ INTERNATIONAL, INC.)
and SWISSDIGITAL USA CO., LTD.,)

5 Plaintiffs,)

6 v.)

7 WENGER S.A.,)

8 Defendant.)
9

Docket No. 1:15-cv-86-WMS

10 **DECLARATION OF ZHIJIAN (HUNTER) LI IN SUPPORT OF PLAINTIFFS'**
11 **OPPOSITION TO DEFENDANT'S MOTION TO DISMISS**

12 I, Zhijian (Hunter) Li, declare as follows:

13 1) I am the president and owner of Krummholz International Inc. ("Krummholz") and
14 Swissdigital USA Co., Ltd. ("Swissdigital").

15 2) Krummholz is a Canadian company with an address at 7 Cortina Crt., Richmond Hill,
16 Ontario, Canada L4B 3G8.

17 3) Swissdigital is a company organized and existing under the laws of Delaware with its
18 principal place of business located at 7 Cortina Crt., Richmond Hill, Ontario, Canada L4B 3G8.
19 Swissdigital also has a mailing address of 1177 6th Avenue of the Americas, Floor 5, New York,
20 York 10036.

21 4) Swissdigital is the owner of U.S. Trademark Registration No. 4462487, which was issued
22 on January 7, 2014.

23 5) Swissdigital also owns U.S. Trademark Serial Nos. 86374172, 86374174, 86374175, and
24 86374177.

25 6) In March of 2014, I attended the TGA tradeshow in Phoenix, Arizona on behalf of
26 Krummholz and Swissdigital (and their predecessor companies). During the show, I displayed
27 sample products with the marks as identified in U.S. Trademark Reg. No. 4462487.

28 7) John Pulichino, CEO of Group III International, Ltd. ("Group III"), also attended the

1 TGA tradeshow in Arizona. Group III is Wenger S.A.'s exclusive licensee in the U.S. Group III
2 markets and sells luggage, backpacks, travel and business gear, and other products using
3 trademarks owned by Wenger.

4 8) During the TGA tradeshow, Mr. Pulichino threatened me and said that the products that
5 my companies displayed at the show violate Wenger's marks and that a lawsuit would be
6 brought to enforce Wenger's rights if I appeared at a tradeshow ever again and displayed
7 products with the marks. Mr. Pulichino also said that if he saw me at the TGA show again he
8 would throw my products into the toilet.

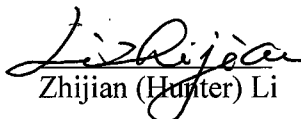
9 9) Wenger initiated a cancellation proceeding (ESTTA650379) with the United States
10 Patent and Trademark Office ("USPTO") on January 15, 2015 seeking to cancel U.S. Trademark
11 Registration No. 4462487 ("Cancellation proceeding").

12 10) On January 29, 2015, Krummholz and Swissdigital filed a complaint for cancellation of
13 trademark registrations and declaratory judgment of non-infringement of trademarks and
14 copyright in the Western District of New York Buffalo Division.

15 11) The action sought cancellation of Wenger's federal registrations U.S. Reg. Nos. 4301579,
16 4109108, 3291272, 3291271, 3291266, 3405840, 3820133, 4024369, 3769824, and 4230244 (the
17 "Wenger marks") and U.S. Copyright Registration No. Va-1935912.

18 12) Swissdigital and Krummholz have the intention, capacity, and ability to market and sell
19 their products immediately. The only reason Swissdigital and Krummholz are not selling their
20 products is because of the legal uncertainty Wenger has caused through its domestic and
21 international challenges to the marks and threats of litigation.

22 Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the
23 United States of America that the foregoing is true and correct and that this declaration was
24 executed on this September 17, 2015.

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26 
27 Zhijian (Hunter) Li
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